

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Patry	Team: Team # 7	CCRB Case #: 200806043	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 04/07/2008 11:00 AM	Location of Incident: Rutgers Street and Madison Street; Inside of the 7th Precinct stationhouse	Precinct: 07	18 Mo. SOL 10/7/2009	EO SOL 10/7/2009	
Date/Time CV Reported Mon, 04/28/2008 1:02 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Mon, 04/28/2008 1:02 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			NARCBMS
2. SGT Anthony Demonte	00915	925184	NARCBMS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Robert Lotufo	04648	916078	NARCBMS
2. DT3 David Levine	04304	922646	DPT INV
3. POM Christoph Bender	16510	932318	NARCBMS
4. DT3 Christop Baumgardt	05914	905766	NARCBMS
5. DT3 Joseph Petrelli	05002	922965	NARCBMS
6. DT3 Jason Deltoro	29930	930017	NARCBMS
7. SGT Tara Minaya	01896	929020	007 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: At Rutgers Street and Madison Street in Manhattan, officers drew their guns.	
B.SGT Anthony Demonte	Abuse: At Rutgers Street and Madison Street in Manhattan, Sgt. Anthony Demonte authorized the strip search of § 87(2)(b) § 87(2)(b)	
C.SGT Anthony Demonte	Abuse: At the 7th Precinct stationhouse, Sgt. Anthony Demonte authorized the strip search of § 87(2)(b) § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Synopsis

On April 7, 2008, at approximately 11:00 AM, § 87(2)(b), § 87(2)(e), § 87(2)(f) § 87(2)(b) § 87(2)(b) § 87(2)(b) The description of § 87(2)(b) was a black male who was wearing blue jeans and gray hooded sweatshirt. The ghost informed the officers that § 87(2)(b) was at Madison Street and Rutgers Street. Sgt. Anthony Demonte, Det. Detective Levine, and Det. Robert Lotufo who were in a rental automobile in the general vicinity responded to Rutgers Street and Madison Street and observed § 87(2)(b) a 5'9" 150 lbs., black male who was wearing a gray jacket and blue jeans. Sgt. Demonte, Det. Levine, and Det. Lotufo exited their vehicle and stopped § 87(2)(b) § 87(2)(b) alleged that the officers who stopped him had their guns drawn (**Allegation A**). § 87(2)(e), § 87(2)(f) § 87(2)(b) § 87(2)(b) § 87(2)(b) alleged that an unidentified officer pulled down his pants and his underwear, exposing his buttocks and genitals (**Allegation B**). § 87(2)(b) also alleged that an unidentified officer pulled up his shirt exposing his chest (**Allegation B**). At some point, Det. Christopher Baumgardt and PO Christopher Bender arrived at the location in a red prisoner van. § 87(2)(b) was placed in the prisoner van and transported to the 7th Precinct stationhouse. After § 87(2)(b) was lodged in the holding cell area, Sgt. Demonte authorized a strip search (**Allegation C**) of § 87(2)(b) § 87(2)(b), § 87(2)(e), § 87(2)(f) § 87(2)(b). Sgt. Demonte never completed a command log entry in regard to the strip search of § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

Summary of Complaint

On April 28, 2008, the CCRB received a letter written by § 87(2)(b) (Encl. 4). § 87(2)(b) provided the following statement at GMDC on Rikers Island on August 20, 2008 (Encl. 6A-D). § 87(2)(b) statements were generally consistent. Below is a summary of his statements:

At approximately 11:15 AM on April 7, 2008, § 87(2)(b) a black male who is 5'9", 150 lbs., with black hair and brown eyes, exited the F train at the East Broadway/Rutgers Street station and entered a deli which was by the subway entrance. § 87(2)(b) who was wearing blue jeans, a black and gray baseball jacket with a hooded sweatshirt, did not engage any individuals and walked into the deli to buy cigarettes. As soon as § 87(2)(b) entered the deli, approximately five white male officers, all 6'0 and 200 pounds, in plainclothes entered the store with their guns drawn and instructed § 87(2)(b) to put his hands up. The officers placed § 87(2)(b) against the beverage refrigerator inside the store and placed him in handcuffs. At this point, two male employees were present.

Outside of the store were four unmarked Chevrolet Impalas and a white van. When § 87(2)(b) was placed against the railing of the subway entrance, the officers searched § 87(2)(b) and removed items from his pocket. § 87(2)(b) did not recall any individual officers and stated that more than one officer was searching him. After removing all the items from § 87(2)(b) pocket, one of the officers pulled down § 87(2)(b) pants and underwear while another pulled up his shirt. This officer looked between § 87(2)(b) buttocks and also looked at his testicles. During this period, § 87(2)(b) said to the officers, "I don't have anything on me. What did I do?" An officer stated in response, "You know what you did. We've been watching you for a half hour." After this search, a sergeant arrived on the

scene. § 87(2)(b) described the sergeant as a white male who was 6', 200 lbs (Identified by the investigation as Sgt. Anthony Demonte). Sgt. Demonte instructed the officers to place § 87(2)(b) in the van. § 87(2)(b) was placed inside a white van next to PO1, a white male, 5'11, 200 lbs., with a mustache or a beard. § 87(2)(b) was unable to identify this officer in a subsequent photo array).

§ 87(2)(b) was then transported to the 7th Precinct stationhouse. PO1 led § 87(2)(b) inside the precinct and placed him inside a cell. PO1 then instructed § 87(2)(b) to take off his clothes inside the cell. § 87(2)(b) was the only individual inside the cell and there was no one else present when he was instructed to take off his clothes. After observing § 87(2)(b) to make sure that he did not have anything on his person, he was instructed to put his clothes back on. PO1 processed § 87(2)(b) arrest and prepared the paperwork that was given to § 87(2)(b). It was from the paperwork, property vouchers, that § 87(2)(b) identified PO1 as his arresting officer, Det. Robert Lotufo. § 87(2)(b) was charged with sale of a controlled substance though no drugs were recovered from his person and he denied selling a controlled substance.

In his letter, § 87(2)(b) alleged that he was assaulted and frisked when he was stopped. § 87(2)(b) did not allege this in his formal statement. § 87(2)(b) also alleged in his letter that at the 7th Precinct stationhouse he was harassed by officers and frisked again. § 87(2)(b) did not allege this in his formal statement.

Results of Investigation

On March 4, 2009, § 87(2)(b) was shown a series of photographs (Encl. 7A-P):

The photo series included photographs of Det. Robert Lotufo, Det. David Levine, Det. Christopher Baumgardt, Det. Jason Del Toro, Det. Christopher Bender, Sgt. Anthony Demonte, Det. Joseph Petrelli. § 87(2)(b) was shown the photographs of these officers because they were the officers assigned to the Manhattan South Narcotics Division Narcotics Team that arrested him and transported him to the 7th Precinct stationhouse.

§ 87(2)(b) recognized Det. David Levine as an officer on the scene based on his eyes. § 87(2)(b) could not recall anything specific that Det. Levine did to him. § 87(2)(b) recognized PO Bender as an officer who was "standing around." § 87(2)(b) recognized Det. Baumgardt as an officer who came into the store and stopped him. § 87(2)(b) stated that Det. Lotufo looked familiar but he was wearing glasses during the incident. § 87(2)(b) stated that Det. Lotufo was watching everything that was happening on scene. § 87(2)(b) stated that the officer in photograph 1, a filler photograph, most closely resembled to the officer that physically interacted with him. § 87(2)(b) stated that Det. Jason Del Toro looked familiar to an officer on scene.

Officer Statements:

OLBS Worksheet for § 87(2)(b) completed by Det. Robert Lotufo (Encl. 10A-B):

On April 7, 2008 at 11:45 AM, § 87(2)(b) sold a quantity of a controlled substance at the southeast corner of Madison Street and Rutgers Street.

Det. Robert Lotufo provided the following statement on December 18, 2008 (Encl. 11A-B):

On April 7, 2008, Det. Robert Lotufo, a § 87(2)(b), worked a tour of 06:27 by 15:00 hours and he was assigned to be the arresting officer of a buy and bust operation. Det. Lotufo was working with Sgt. Demonte and Det. Levine. Det. Lotufo was in plainclothes and was assigned to rental automobile 8, which is a gray Toyota.

Det. Lotufo had no memo book entries (Encl. 10A-B) regarding the incident.

On April 7, 2008, at approximately 11:00 AM Det. Lotufo received a “positive buy” transmission over the point-point radio. Det. Lotufo could not recall who placed the message over the radio. Det. Lotufo could not recall what narcotics were purchased. Det. Lotufo and Sgt. Demonte responded to the location. When Det. Lotufo arrived, the individual (identified by the investigation as § 87(2)(b)) was on the corner by a train station at Rutgers Street and Madison Street. Det. Lotufo stated that members of his field team were already there but he could not recall how many officers were on scene when he arrived. Det. Lotufo could not recall which officers were on scene when he arrived. Det. Lotufo could not remember how many officers were on scene. Det. Lotufo denied that the officers on scene were the undercover officers. Det. Lotufo asked § 87(2)(b) for his pedigree information, patted down his pockets, and searched his pockets and placed his belonging in an envelope. Det. Lotufo stated that Sgt. Demonte exited the vehicle and supervised the arrest. Officers then escorted § 87(2)(b) to a prisoner van and the officers continued their buy and bust operation.

Det. Lotufo denied going underneath § 87(2)(b) waistband and denied pulling down § 87(2)(b) pants. Det. Lotufo denied pulling down § 87(2)(b) underpants and denied pulling up § 87(2)(b) shirt to search him. Det. Lotufo never saw another officer do any of this to § 87(2)(b).

After § 87(2)(b) was placed into the prisoner van, Det. Lotufo had no further interactions with him. Det. Lotufo stated his role in arrest processing was completing the paperwork. Det. Lotufo could not remember suspecting § 87(2)(b) having any other contraband on his person. Det. Lotufo was asked if there was authorization for § 87(2)(b) to be strip searched at the stationhouse and he responded, “Not that I remember.” Det. Lotufo never strip searched § 87(2)(b) at the 7th Precinct stationhouse. Det. Lotufo did not know if another officer strip searched § 87(2)(b) at the 7th Precinct stationhouse.

Sgt. Anthony Demonte provided a formal statement at the CCRB on April 8, 2009 (Encl. 13A-B):

On April 7, 2008, Sgt. Anthony Demonte, a § 87(2)(b) was assigned to a narcotics team and worked a tour of 06:00 by 14:00 hours. Sgt. Demonte’s team was conducting buy and bust operations within the confines of the 1st, 5th, and 7th Precincts. According to his recollection, Sgt. Demonte worked with Det. Lotufo. According to the tactical plan Det. Levine was in the vehicle with Sgt. Demonte and Det. Lotufo.

On April 7, 2008, at approximately 11:00 AM, Sgt. Demonte was in the leader car of a Patrol Borough Manhattan South car, conducting buy and bust operations within the confines of the 7th Precinct. Sgt. § 87(2)(e), § 87(2)(f). Sgt. Demonte could not remember the specifics of the message he received but stated it would have included a detailed description and § 87(2)(b) direction of flight.

Sgt. Demonte and Det. Lotufo responded to Rutgers Street and Madison Street after receiving the radio transmission. When they got there, Sgt. Demonte observed § 87(2)(b) walking across Rutgers Street to a subway station entrance at the corner of Rutgers Street and Madison Street. Sgt. Demonte exited the vehicle and approached § 87(2)(b). Sgt. Demonte had his shield displayed and he identified himself as a police officer to § 87(2)(b). Sgt. Demonte asked § 87(2)(b) to stop and he complied with the order. Sgt. Demonte denied that he drew his gun to stop § 87(2)(b). Sgt. Demonte did not recall another officer drawing their firearm during the incident. Sgt. Demonte and Det. Lotufo asked § 87(2)(b) to wait a few minutes while they conducted a brief investigation. At this point, Sgt. Demonte believed that his car was the only police officers on scene. § 87(2)(b), § 87(2)(e), § 87(2)(f)

After being positively identified, § 87(2)(b) was searched for weapons and contraband. Sgt. Demonte denied that an officer pulled down § 87(2)(b) pants and searched the area underneath his underwear. Sgt. Demonte never saw an officer pull up § 87(2)(b) shirt revealing his chest and stomach. § 87(2)(b) was then placed into the prisoner van and transported back to the 7th Precinct stationhouse.

Sgt. Demonte responded to the 7th Precinct stationhouse and supervised § 87(2)(b) arrest processing.

§ 87(2)(b), § 87(2)(e), § 87(2)(f)

§ 87(2)(b)

2)

§ 87(2)(b) was strip searched in the holding cell area and he was the only prisoner in the area when he was searched. Sgt. Demonte stated that he, the arresting officer, Det. Lotufo, and the members from the prisoner van were in the holding cell area during the strip search. Sgt. Demonte stated that the strip search should have been noted in the command log, the prisoner movement slip, and the online booking sheet. Sgt. Demonte was asked if it was either his or the desk officer's responsibility to note the strip search in the command log and he responded, § 87(2)(e), § 87(2)(f)

Det. David Levine provided the following formal statement to the CCRB on February 13, 2009 (Encl. 15A-B):

On April 7, 2008, Det. Levine, a § 87(2)(b) worked a tour of 06:27 by 15:00 hours and he was assigned to a chase car with the arresting officer, Det. Lotufo, during routine buy and bust operations. Sgt. Demonte and Det. Lotufo were in the car with Det. Levine. Det. Levine was in plainclothes. Det. Levine referred to the tactical plan, which stated that he was assigned to rental auto 8, which is a gray Toyota.

Det. Levine had no memo book entries (Encl. 14A-B) regarding the incident.

On April 7, 2008, Det. David Levine was assigned to a narcotics team that was performing buy and bust operations within the confines of the 7th Precinct, specifically Rutgers Street and Madison Avenue in Manhattan. § 87(2)(f), § 87(2)(e)

Det. Levine could not recall the full description but stated he remembered it was a male black wearing a gray jacket, blue jeans, and he was not very big.

At this point, Det. Levine, Det. Lotufo, and the rest of the field team were already in the location of Rutgers Street and Madison Street. Det. Lotufo stated that the entire team was already there and that they all arrived at around the same time. Det. Lotufo and the team waited for the subject to exit a building. The subject, identified by the investigation as § 87(2)(b) exited the building and Det. Levine, Det. Lotufo, and Sgt. Demonte exited their vehicle, approached him, and verbally identified themselves as police officers. The officer informed § 87(2)(b) that he was under arrest. § 87(2)(b) was placed in handcuffs and the officers obtained his pedigree information. Officers searched § 87(2)(b) outer most garments. Det. Levine never saw an officer pull § 87(2)(b) pants and underwear down exposing his genitals. Money, a cell phone, and beads were recovered from § 87(2)(b)

Det. Levine went back to the stationhouse and assisted the completion of § 87(2)(b) arrest paperwork. Det. Levine did not know if § 87(2)(b) was strip searched at the 7th Precinct stationhouse. Det. Levine denied being in the holding cell area at the 7th Precinct stationhouse and denied that he had any dealings with him after he was lodged in the cell. Det. Levine never searched § 87(2)(b) at the 7th Precinct stationhouse and never saw any other officers perform a strip search of § 87(2)(b) at the 7th Precinct stationhouse.

Det. Levine denied that he drew his gun from his holster and stated that he did not see another officer do this. Det. Levine did not search § 87(2)(b) and did not see who searched § 87(2)(b)

Det. Christopher Baumgardt provided a formal statement to the CCRB on January 20, 2009 (Encl. 17A-B):

On April 7, 2008, Det. Chris Baumgardt, a § 87(2)(b), worked a tour of 06:27 by 15:00 hours and he was assigned to the prisoner van. Det. Baumgardt did not have his partner listed in his memo book. Det. Baumgardt was shown the tactical plan. According to the tactical plan Det. Baumgardt was working with Det. Bender. Det. Baumgardt was in plainclothes and according to the tactical plan he was assigned to rental automobile 17, a red Ford van.

Det. Baumgardt read the following memo book entries (Encl. 16A-C) regarding the incident:

At 11:45 AM, Det. Lotufo placed an individual (identified by the investigation as § 87(2)(b)) under arrest at Rutgers Street and Madison Street.

On April 7, 2008, at approximately 11:45 AM, PO Bender and Det. Baumgardt who were assigned to prisoner van on a buy and bust team, were called to Rutgers Street and Madison Avenue to pick up a prisoner. Det. Baumgardt could not recall if Det. Lotufo was on scene or how many officers were on scene when he responded. Det. Baumgardt did not see if an officer used physical force against § 87(2)(b). Det. Baumgardt did not see an officer pull down § 87(2)(b) pants revealing his genitals or pull up his shirt revealing his chest.

Ultimately § 87(2)(b) was transported to the 7th Precinct stationhouse. Det. Baumgardt stated that he completed the Online Bookings Sheets and pedigree information. Det. Lotufo was unsure if a strip search was authorized for § 87(2)(b). Det. Baumgardt could not recall if he strip searched § 87(2)(b).

PO Christopher Bender provided the following formal statement on February 3, 2009 (Encl. 19A-B):

On April 7, 2008, PO Christopher Bender, a § 87(2)(b), worked a tour of 06:33 by 15:00 and he was assigned to the prisoner van with PO Baumgardt according to the tactical plan. PO Bender was in plainclothes and assigned to rental automobile 17, a red Ford cargo van (no windows).

PO Bender read the following from his memo book (Encl. 18A-B) regarding the incident:

At 11:45 AM, Det. Lotufo had placed an individual (identified by the investigation as § 87(2)(b)) under arrest at Rutgers Street and Madison Street.

Det. Lotufo sent a message over the radio informing PO Bender that he placed an individual under arrest. Upon receiving this message, PO Bender and Det. Lotufo responded to the Rutgers Street and Madison Street and placed § 87(2)(b) into the prisoner van. PO Bender stated that he did not recall interacting with § 87(2)(b) and stated that as an officer in the prisoner van he would be responsible for finger printing § 87(2)(b).

PO Bender had no recollection of what happened at the 7th Precinct stationhouse. PO Bender stated that when prisoners get taken into the stationhouse, several officers print arrest documents, several officers search the arrestee, and several officers partake in finger printing. PO Bender did not know what job he was responsible for. PO Bender did not know if § 87(2)(b) was strip searched at the 7th Precinct. PO Bender was shown § 87(2)(b) arrest report. Upon reviewing the arrest report, PO Bender stated that § 87(2)(b) was arrested for sale of narcotics and would have been strip searched at the stationhouse. PO Bender did not recall if he strip searched § 87(2)(b).

Sgt. Tara Minaya provided a formal statement on March 18, 2009 (Encl. 21A-B):

On April 7, 2008, Sgt. Tara Minaya, a § 87(2)(b) worked a tour of 06:55 by 15:52 hours and she was assigned to be a training sergeant. Sgt. Minaya was in uniform. Sgt. Minaya did not have a partner and she was not assigned to a motor vehicle.

Sgt. Minaya had no memo book entries (Encl. 20A-B) regarding the incident.

Sgt. Minaya had no recollection of § 87(2)(b) arrest processing at the 7th Precinct stationhouse.

Sgt. Minaya did not recall authorizing a strip search of any arrestees on April 7, 2008. Sgt. Minaya stated that if a strip search was conducted at the stationhouse the desk officer would have to be notified. Sgt. Minaya stated that a supervisor from the narcotics team could have authorized a strip search of a prisoner. Sgt. Minaya denied that a strip search occurred at the 7th Precinct stationhouse while she was at the front desk.

Det. Joseph Petrelli provided a formal statement at the CCRB on January 20, 2009 (Encl. 23A-B):

On April 7, 2008, Det. Joseph Petrelli, a § 87(2)(b) worked a tour of 06:27 by 15:00 hours and he was assigned to chase car. Det. Petrelli was working with PO Del Toro. Det. Petrelli was in plainclothes. Det. Petrelli was assigned to rental auto 14, a gray Mazda.

Det. Petrelli read the following from his memo book entry (Encl. 22A-B) regarding the incident:

At 1:35 PM, Det. Petrelli arrived at the 7th Precinct stationhouse for arrest processing.

Det. Petrelli had no recollection of the incident.

Det. Jason Del Toro provided a formal statement on January 20, 2009 (Encl. 25A-B):

On April 7, 2008, Det. Del Toro, a § 87(2)(b) worked a tour of 06:33 by 15:00 hours and was assigned to a chase vehicle. He was working with Det. Petrelli. Det. Del Toro was in plainclothes. Det. Del Toro was assigned to a gray Mazda with Det. Petrelli.

Det. Del Toro read the following from his memo book (Encl. 24A-B):

At 11:00 AM, PO Jason Del Toro was in the vicinity of the Baruch and Smith Houses. At 1:00 PM, PO Del Toro was in the vicinity of Columbia Street. At 1:50 PM, PO Del Toro was not longer part of the buy and bust tactical plan because he had case buys.

PO Del Toro had no recollection of the incident.

§ 87(2)(e), § 87(2)(f)

NYPD Documents:

Manhattan South Narcotics Division Roll for April 7, 2008 (Encl. 26):

Det. Joseph Petrelli, Det. Robert Lotufo, Det. David Levine, Det. Christopher Baumgardt, and PO Christopher Bender were assigned to tours of 6:27 AM to 3:00 PM. PO Jason Del Toro was assigned to a tour of 6:33 AM to 3:00 PM. Sgt. Demonte was not on the roll call.

Manhattan South Narcotics Division Tactical Plan (Encl. 27):

Sgt. Anthony Demonte, Det. Robert Lotufo, and Det. David Levine were assigned to the leader car, rental automobile 8, a gray Toyota. Det. Joseph Petrelli and PO Jason Del Toro were assigned to chase car 1, rental automobile 14, a gray Mazda. Det. Christopher Baumgardt and PO Christopher Bender were assigned to rental automobile 17, a red ford. § 87(2)(e), § 87(2)(f)

§ 87(2)(b). Everyone assigned to the tactical plan was assigned to a tour of 6:27 AM to 3:00 PM.

Manhattan South Narcotics Division Movement Sheet for April 7, 2008 (Encl. 28A-B):

Sgt. Demonte, Det. Lotufo and Det. Levine signed out rental automobile 8 at 9:10 for buy and bust operations. PO Bender and Det. Baumgardt signed out rental automobile 12 at 9:10 AM for buy and bust operations. PO Del Toro and Det. Petrelli signed out rental automobile 17 at 9:10 AM for buy and bust operations.

7th Precinct Tour 2 Roll Call for April 7, 2008 (Encl. 29A-H):

Sgt. Minaya was assigned to be a training supervisor from 6:55 AM to 3:52 PM.

7th Precinct Command Log Entries for April 7, 2008 (Encl. 30A-B):

Sgt. Minaya took the desk at 12:25 PM and left the desk for administrative duties at 2:05 PM and was replaced by Sgt. Elor. Det. Lotufo arrested § 87(2)(b) at the corner of Rutgers Avenue and Madison Street at 11:45 AM. § 87(2)(a) 160.50

§ 87(2)(b) physical and mental condition was listed as apparently normal. § 87(2)(b) was transported to Manhattan Central Booking at 5:00 PM by Det. Baumgardt in rental automobile 17. There was no command log entry regarding § 87(2)(b) being strip searched. At 3:15 PM Sgt. Elor left the desk and was replaced by Sgt Schelberger.

Disposition of Case:

§ 87(2)(b) arrest records are sealed in BADS and OCA.

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) CCRB History (Encl. 3):

§ 87(2)(b) has not made any other complaints with the CCRB.

Sgt. Anthony Demonte's CCRB History (Encl. 2A-B):

Sgt. Demonte had a physical force allegation and a premises entered and searched allegation substantiated against him in CCRB case 200207663. These charges were dismissed. Sgt. Demonte had a physical force allegation substantiated against him in CCRB case 200304215. Sgt. Demonte was found not guilty of this allegation.

Conclusions and Recommendations

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Undisputed Facts:

§ 87(2)(b) was searched upon being placed under arrest. § 87(2)(b) was strip searched inside of the 7th Precinct stationhouse holding cell area. Sgt. Demonte did not complete a command log entry regarding the strip search of § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Subject Officer Identification:

An allegation to authorize the stop of § 87(2)(b) will be pleaded against Sgt. Demonte because he was the ranking supervisor involved in § 87(2)(b) stop. A gun drawn allegation will be pleaded against “officers” because § 87(2)(b) was unable to identify the officers who had their guns drawn when he viewed a series of officer photographs. Both strip search allegations will be pleaded against Sgt. Demonte because he was the ranking supervisor on scene during both allegations, and he admitted to authorizing the strip search of § 87(2)(b) in the stationhouse.

Allegations not Pleaded:

A stop allegation will not be pleaded because § 87(2)(b) was stopped in order to place him under arrest. A search allegation will not be pleaded against any of the officers because § 87(2)(b) was searched at Rutgers Street and Madison Street subsequent being placed under arrest.

Allegation (A): Force: At Rutgers Street and Madison Street in Manhattan, officers drew their guns:

§ 87(2)(b) alleged that when he was stopped officers had their guns drawn. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (B): Abuse of Authority: At Rutgers Street and Madison Street in Manhattan, Sgt. Anthony Demonte authorized the strip search of § 87(2)(b)

§ 87(2)(b) alleged that he was strip searched on the street when he was originally stopped. All of the officers involved in the arrest of § 87(2)(b) denied that they or any other officer strip searched § 87(2)(b) when he was stopped. § 87(2)(b), § 87(2)(g)

Allegation (C): Abuse of Authority: At the 7th Precinct stationhouse, Sgt. Anthony Demonte authorized the strip search of § 87(2)(b)

§ 87(2)(b) alleged that he was strip searched inside of the holding cell area in the 7th Precinct stationhouse. Sgt. Demonte admitted that he authorized the strip search of § 87(2)(b) at the 7th Precinct stationhouse. § 87(2)(b), § 87(2)(e), § 87(2)(f)

According to NYPD Patrol Guide procedure 208-05 (Encl. 1A-B), A strip search will be utilized when the arresting officer reasonably suspects that weapons, contraband, or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by the previous search methods. NYPD Patrol Guide Procedure 208-05 (Encl. 1A-B) goes on to detail that, “A strip search will be conducted by a member of the same sex as the arrested person in a secure area in the utmost privacy and with no other arrestees present. It should not be necessary to touch the subject body except for the examination of the hair.” § 87(2)(b) stated that a male officer conducted his strip search in the 7th Precinct holding cell area. § 87(2)(b) was the only prisoner in the holding cell area at the time and he did not allege that he was touched by the officer conducting his strip search. § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: